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Narrative Based on the Report of the Court of Inquiry on the Armed Attack on the USS LIBERTY

A Navy Court of Inquiry has determined that USS LIBERTY was in international waters, properly marked as to her identity and nationality, and in calm, clear weather when she suffered an unprovoked attack by Israeli aircraft and motor torpedo boats June 8 in the Eastern Mediterranean.

The Court produced evidence that the Israeli armed forces had ample opportunity to identify LIBERTY correctly. The Court had insufficient information before it to make a judgment on the reasons for the decision by Israeli aircraft and motor torpedo boats to attack.

LIBERTY fired her .50 cal. machine guns at the aircraft and torpedo boats, but only after she had been attacked and hit.

The Court, convened by Admiral John S. McCain, Jr., USN, Commander in Chief of U.S. Naval Forces in Europe, conducted classified hearings in London and aboard LIBERTY in Malta June 11 - 17. Rear Admiral I. C. Kidd, USN, was president of the Court, which consisted of himself and Captains Bernard J. Lauff and Bert M. Atkinson, both attached to Admiral McCain's headquarters.

A Court of Inquiry is a formal fact-finding body which takes testimony under oath. It is not a disciplinary court. Convening of such an inquiry is a normal procedure, commonly employed after any serious accident or incident resulting in substantial loss of life or damage to a ship. The fact of its convening does not, of itself, indicate an assumption by the Navy that anyone within the Navy is at fault.

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The Court's findings were presented to Admiral McCain and approved by him on June 18, and forwarded to the Navy Department for further review.

It was not the responsibility of the Court to rule on the culpability of the attackers, and no evidence was heard from the attacking nation. Witnesses suggested that the flag may have been difficult for the attackers to see, both because of the slow speed of the ship and because, after five or six separate air attacks by at least two planes each, smoke and flames may have helped obscure the view from the motor torpedo boats. The Court heard witnesses testify, however, to significant surveillance of the LIBERTY on three separate occasions from the air at various times prior to the attack -- 5 hours and 13 minutes before the attack, 3 hours and 7 minutes before the attack, and 2 hours and 37 minutes before the attack.

Inasmuch as this was not an international investigation, no evidence was presented on whether any of these aircraft had identified LIBERTY or whether they had passed any information on LIBERTY to their own higher headquarters.

The Court affirmed LIBERTY's right to be where she was. A neutral nation, the Court stated, has a legal right to dispatch a ship into international waters adjacent to an area of hostilities. So long as such a neutral ship maintains the impartial attitude of neutrality, the Court pointed out, each belligerent has a duty to refrain from attacking her.

The Court found that LIBERTY entered the Mediterranean June 2, after stopping briefly at Rota, Spain, where she took aboard fuel and provisions. Her orders were to steam at best possible sustained speed to an operating area in the Eastern Mediterranean north of the Sinai Peninsula.

Testimony before the Court showed that LIBERTY arrived in her assigned operating area the morning of June 8. Her orders were to steam in an area bounded on the north by latitude 32N, on the east and west by Longitudes 34 East and 33 East, and on the south by a curved line following the contour of the coast 12.5 nautical miles off the coast.

The U. A. R. claims a 12-mile territorial sea, Israel six miles. The United States claims and recognizes claims of three miles. Thus LIBERTY's operating area was defined to ensure that she would remain in international waters as that term is recognized by all parties concerned, and with some margin to spare. The Court found that she was, in fact, well within her assigned operating area at the time of the attack, and that at no time before or after the attack did she approach closer than 13.6 nautical miles to land. She was under the operational control of Commander Sixth Fleet at the time of the attack.

LIBERTY steamed in her operating area the morning of June 8 in a "modified condition of readiness three." This meant that she had her normal steaming watch on deck, plus one man standing by the forward gun mounts. LIBERTY carries four pedestal-mounted .50-cal. Browning machine guns -- two single mounts on her forecastle and identical mounts on either side of the deck-house aft of the bridge. Under "modified condition three," bridge lookouts would man the two after guns until the crew manned general quarters stations.

LIBERTY steamed southeasterly (130° true) until 8:49 a.m., when she reached the eastern boundary of her operating area and turned to a southwesterly course (253° true). At 8:50, a single unidentified jet crossed her wake, an estimated three to five miles astern, then circled the ship and retired in the direction of the mainland. No signals were

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exchanged between the ship and the plane. LIBERTY was flying her normal size American flag (5 feet by 8 feet) at the masthead. Her name was painted on her stern in English, and her U. S. Navy distinguishing letters and number on her bow. (Egyptian naval ships carry their names in the cursive Arabic script.) Her configuration, as shown in the international standard naval identification book, "Jane's Fighting Ships," and her standard markings, were clearly sufficient for the aircraft to identify her properly as the non-combatant ship LIBERTY. She was then steaming at 10 knots.

Jet and propeller aircraft circled the ship again at 10:56 and 11:26 a.m. At these times, the ship was steaming at only five knots.

At 11:32 the ship changed to a west-northwesterly course (283° true). She was on this course and steaming at five knots when the attack began.

From 1:10 p.m., until 1:48 p.m., before the attack, LIBERTY's crew was exercised at general quarters. This was a routine procedure, part of the ship's mandatory training program, established by the Commander Service Force, Atlantic Fleet, and was not related to her mission in the Eastern Mediterranean. Upon completion of the drill, the ship returned to her "modified condition three." At 2:00 p.m., the ship's Commanding Officer, Commander William L. McGonagle, Norfolk, Va., fixed her position by radar as being 25.5 nautical miles from the minaret at El Arish, which was to the southeast (bearing 142° true).

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In the Commanding Officer's words: "About 1400 (2 p.m.) the look-outs, who were stationed on the 04 level (above the bridge), reported that jet aircraft were sighted in the vicinity of the ship. At that time, I went to the starboard wing of the bridge with my binoculars and there observed one aircraft of similar characteristics, if not identical, to the aircraft which were sighted earlier in the day and upon which a sighting report had been submitted. The relative bearing of this plane was about 135°, its position angle was about 54 to 50 degrees, its elevation approximately 7,000 feet, and it was approximately five to six miles from the ship. It appeared to be on a parallel course traveling in the same direction as the ship. While I observed this aircraft, I did not see it approach the ship directly in a hostile attitude. Within a couple of minutes, a loud explosion was heard that appeared to me to come from the port side of the ship. (This apparently was a rocket launched by a second aircraft.) I immediately ordered the general alarm to be sounded, and this was done. I went from the starboard wing of the bridge to the port wing to see the area of damage. I immediately noticed that the two 55-gallon gasoline drums stowed on the 01 level (one level above the main deck, two below the bridge), portside amidships, were burning furiously.

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"It was evident that it would not be possible to reach the quick release lever by proceeding down the outside port ladders of the ship. I ordered the Executive Officer (LCDR Philip M. Armstrong of Norfolk, Va., later killed in action) to go to the starboard side of the ship and proceed down to the 01 level, cross over to the port side, and there release the gasoline cans. Lieutenant O'Connor, (LT James G. O'Connor, USNR, of Norfolk, Va.) was still on the bridge and he joined the Executive Officer and both proceeded to the starboard wing of the bridge, 03 level. Approximately the time they reached the top of the ladder to proceed down, the ship received an apparent bomb hit in the vicinity of the whaleboat stowed on the 02 level, starboard side, immediately aft of the bridge. Mr. Armstrong, Mr. O'Connor, and others in the bridge area were thrown back into the bridge and other personnel in the pilothouse were blown from their feet. At this time, I grabbed the engine order annunciator and rang up all ahead flank ... (this is an order for maximum speed) ... At this time I ordered a person, who I believe to have been LT Bennett, (LT Maurice H. Bennett of Pittsburgh, Pa.) to report to CNO (Chief of Naval Operations) via the hicom (high command radio circuit) that LIBERTY was under attack by unidentified jet aircraft and that immediate assistance was required."

For the next five or six minutes, aircraft made criss-cross attacks on the ships, hitting her with rockets and machine gun fire. A

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later count entered into the Court's record, showed 821 separate hits on the ship's hull and superstructure.

Testimony failed to establish an exact number of aircraft involved in the attack. The Court's findings state: "In five or six attacks, from various angles, two or more jet aircraft at a time conducted strafing, rocket, and incendiary attacks."

During this period, the ship gradually built up speed from five knots. Her exact speed during the subsequent minutes -- until she lost all power at about 2:36 -- is not known. Her maximum speed is 18 knots, but it is doubtful that she exceeded 11 or 12 while under attack.

The ship's public address system and many of her internal communication circuits were destroyed by the air attack. The helmsman was seriously injured by the bomb hit on the starboard side. He was immediately replaced by Quartermaster Third Class Francis Brown, of Troy, N. Y., who later was killed. A few moments later, while on the starboard bridge wing, Commander McGonagle received a serious leg wound from shrapnel. "I was not knocked off my feet. I was only shaken up and it made me dance around a little bit, but my injuries did not appear to me to be of any consequence," he told the court of inquiry. "I noticed slight burns on my starboard forearm and I noticed blood oozing on my right trouser leg. Since I could walk and there was no apparent pain, I gave no further

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consideration to these minor injuries."

At about 2:24, look-outs sighted three high speed boats approaching the ship from the northeast (from the ship's starboard quarter, relative bearing 135°), heading for the ship in a triangular formation at a speed of 27 to 30 knots. Since the boats appeared to be making a torpedo run, Commander McGonagle ordered a man from the bridge to man the forward starboard gun mount and take the boats under fire.

It was at this time that Commander McGonagle discovered that LIBERTY's American flag had been shot down. He immediately ordered a signalman to hoist the "holiday ensign" -- the largest flag aboard (approximately 7 by 13 feet) from the yardarm, the normal flag halyard having been destroyed. There was smoke from the burning whale boat and other topside fires in the vicinity of the bridge.

Commander McGonagle passed the word, "Stand by for torpedo attack." He held his course, since turning away from the boats would bring the ship closer to land, and turning toward them would swing the ship broadside toward the attackers, giving them a larger target.

When the boats were approximately a mile away, the center boat was seen to be flashing a signal light. Because of smoke and flames just aft of his starboard bridge wing -- in the direction from which the boats were approaching -- Commander McGonagle could not read the signals, but he was able to see what he believed at the time to be

an Israeli flag. As the air attack had knocked out Liberty's starboard signal light, he attempted to signal with a hand-held Aldis lamp. This may not have been powerful enough to penetrate the smoke pouring from the fires started by the attackers. Believing that the air attack might have been an error, he immediately shouted to the starboard forward gun to withhold fire. The gunner fired a short burst at the PT boats before he understood the Commanding Officer's order. At the same time, the after gun on the starboard side opened fire.

Because of the whaleboat fire on the starboard side, between the bridge and the gun mount, it was necessary to send an officer aft on the port side to pass the word to the starboard gunner to cease firing. ENS. David G. Lucas, USNR, of Virginia Beach, Va. (who was wounded earlier and, unknown to himself, had a piece of shrapnel lodged in his forehead) ran aft on the 03 (bridge) level portside. "The first thing I noticed," he testified to the Court, "was that the mount 54 (on the port side) was vacant. The flames... (from the burning gasoline cans)... had reached mount 54 and chased everyone out of there. I ran back to mount 54, looked over the skylight from the engineering spaces." (This skylight is on the centerline of the ship just aft of the stack. It stands about three feet high and is perhaps ten feet wide, dividing the 03 level at this point into port and starboard areas which met several yards aft of the gun mounts, aft of the

skylight structure. It is possible to look over the skylight, but not to cross There is no deck above the 03 level aft of the bridge.)

ENS. Lucas continued: "I had a clear view of mount 53 (the starboard mount, which was firing) from, say, the waist level up, and there was no on on mount 53. The flames from the motor whaleboat were coming over the li of the mount. I assume that the bullets that were in the gun, or bullets that were in the ready service ammunition box, very near there, were cooking of and firing." Apparently by accident, this gun was firing in the direction of t attacking boats.

At this time, the PT's opened fire with their gun mounts, killing the Quartermaster Brown at the helm, and in a matter of seconds one torpedo w noted crossing astern of the ship at about 25 yards. The time was then 2:34. A minute later, a second torpedo struck the ship on the starboard side, immediately forward of the bridge and a few feet below the water line.

The torpedo explosion tore a hole in the side of the ship that extended from a few feet above the water line to below the turn of the bilge. It was shaped like a tear-drop, and was 39 feet across at its widest point. Its immediate effect was to flood all compartments on two decks below the wate line, from frame 53 to frame 66. These frames support water-tight bulk-heads, and mark the location of what was "number two hold" when LIBERTY was a merchant cargo ship before her conversion for Navy use. LIBERTY used the spaces for store rooms and her research department.

Twenty-five men died in the blast. Those few not killed outright escape from the compartments. The Court heard testimony from witnesses, including a salvage expert, who stated that beyond a shadow of a doubt those who died there were killed instantly by the blast. None could have survived,

trapped in the compartment, to die of suffocation or drowning.

The torpedo did not start a major fire, probably because of the immediate flooding of the affected area. LIBERTY immediately took on a nine-degree list to starboard. Power and steering control were lost temporarily, and the ship came to a dead stop.

The three torpedo boats also stopped, less than a half mile astern of the stricken ship. One signalled in English, "Do you need assistance?" Commander McGonagle, not being able to signal by light, ordered a signalman to hoist the international flag signal for "not under command," meaning that the ship was out of control.

Two or three minutes later, two helicopters bearing a Star of David marking approached and circled the ship several times. At 3:19, power was restored, but steering control could not be regained from the bridge. It was necessary to give rudder orders by telephone to men in the "after steering" compartment, and for some time they operated the ship's heavy rudder by hand. The helicopters departed, returned, and departed again, and a pair of jet aircraft circled the ship, but there were no further attacks.

By 4 p.m., Commander McGonagle's wounds were giving him a great deal of pain and he was suffering from loss of blood. The ship's doctor had seen him on the bridge, but had made no effort to get him below to a battle dressing station. "The Commanding Officer at that time was

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like a rock upon which the rest of the men supported themselves," the doctor told the court. "To know that he was on the bridge grievously wounded, yet having the conn and helm and through the night calling every change of course, was the thing that told the men 'we're going to live.' When I went to the bridge and saw this, I should say that I knew that I could only insult this man by suggesting that he be taken below for treatment of his wounds. I didn't even suggest it."

Ensign Lucas told the court, "It would have taken ten men the doctor's size to even begin to get him off the bridge."

"He was in great pain," Ensign Lucas testified, "there were several times when he was still walking around, but it was obvious that he was in great pain. He had lost a considerable amount of blood. At several times he felt dizzy. He would not leave, but if he started to get dizzy he would turn to me, or if Mr. Bennett or Mr. Painter were there, he would say this is what course we're on, what speed to make. He would give instructions."

At about 4 p.m. he lay on the deck while others applied a tourniquet to his thigh. At other times, when he felt faint, he lay on the deck of the bridge wing with his leg propped high, and continued to conn the ship, sometimes by watching her wake.

Lieutenant Richard F. Kiepfer, MC, USN, of Brooklyn, New York, the ship's medical officer, performed one major operation and gave

emergency treatment to wounded men as best he could. He manned the main battle dressing station, together with one hospital corpsman, while the other corpsman operated a secondary battle dressing station in the forward part of the ship. Both stations were flooded with seriously injured men, and for a time there was little opportunity to do more than give first aid. Bleeding was stopped, men were given morphine for pain and treated for shock. Lung wounds were treated to ease breathing. The most seriously wounded men were transferred to the aircraft carrier AMERICA the following day. By that time the doctor and his two corpsmen had been on their feet, giving emergency treatment, for 28 hours. "Any time we needed one volunteer, we'd get ten," he testified. "If anything had to be done... there were hands everywhere. When we asked for two pints of blood for transfusion, we had people on the adjoining tables who were saying, 'If you need some, I have this type' These were people already wounded."

The Court found that "from the time of the first air attack onward, attackers were well coordinated, accurate and determined. Criss-crossing rocket and machine gun runs from both bows, both beams and quarters effectively chewed up the entire topside, including ship control and internal communications -- sound powered -- network. Well directed initial air attacks had wiped out the ability of the four .50 cal. machine guns to be effective."

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"The heroism displayed by the Commanding Officer, officers and men of LIBERTY was exceptional." The Court reported. "The Commanding Officer is being recommended for an appropriate award and the ship for an appropriate unit citation. These planned actions are fully supported by testimony to the Court."

"It is the opinion of the convening authority that USS LIBERTY was operating in international waters in conformance with the most recent guidance received by her, provided by competent authority," Admiral McCain wrote in his endorsement forwarding the Court record to the Department of the Navy.

Admiral McCain's endorsement continued:

"Heroism was the order of the day... It is the conviction of the convening authority that the possibility is high that the ship would have been lost completely had there not been the highest order of damage control competence on board, combined with the fact that the ship had secured from General Quarters for drill only minutes before the attack took place."

Early on the 8th, the Joint Chiefs of Staff had issued orders for LIBERTY to move farther from the coast, even though such a move would partially degrade her mission. The messages were misrouted, delayed, and not received until after the attack. LIBERTY's Commanding Officer

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also had the authority to move farther to sea on his own initiative, had he any reason to believe that his ship was in danger of attack, or as for any other cause. The Court found, however, that since he was in international waters, his standard identification symbols were clearly visible, and foreign aircraft had inspected him three times that day, he had no reason to believe that his ship was in danger of attack. The convening authority specifically concurred that "no indication was received by the ship prior to the attack which would have dictated a need for emergency measures."

LIBERTY continued to carry out her assignment at the location which her Commanding Officer considered optimum for that purpose. The Court reached no judgment on whether earlier arrival of the messages would have reduced the likelihood of the attack.

In an appendix to its findings, the Court noted that LIBERTY might have been mistaken for the Egyptian supply ship EL QUSEIR. In commenting on this possibility, the Court stated: "While EL QUSEIR bears a highly superficial resemblance to LIBERTY, she more closely resembles the majority of older tramp steamers operating in ocean shipping. EL QUSEIR is less than half the size and lacks the elaborate antenna array and distinctive hull markings of LIBERTY. The location of the superstructure island, a primary recognition feature of merchant type ships, is widely different. By this criteria as a justification for attack, any ship resembling EL QUSEIR was in jeopardy."

The Court also noted reports of rumors that the town of El Arish had been bombarded from the sea, but pointed out that neither LIBERTY, with

four .50 caliber machine guns, nor EL QUSEIR, which is armed with two 3-pounders, could logically be suspected of having conducted a shore bombardment.

USS LIBERTY arrived at Malta, under her own power, at 6 a.m. (local time) June 14, escorted by the destroyer USS DAVIS and the fleet tug USS PAPAGO. She was drydocked the same day.

The hole in LIBERTY's side is being patched and other repairs are being made to make it possible for her to return to the United States safely under her own power. She is expected to be in Malta until about July 10. Her home port is Norfolk, Va.

Note: Excerpts from verbatim testimony of the Commanding Officer are available. Where discrepancy in times are noted, the Court determined that they were caused by battle damage which caused clocks in various parts of the ship to stop at different times or to behave erratically. All times given are ship's local time 6 hours ahead of Washington time.